

**REMARKS**

This Amendment is submitted in response to the Office Action mailed on October 8, 2009. Claims 1, 11, 20, 24, 27 and 32-36 have been amended, and claims 1-36 remain pending in the present application. Applicant notes and appreciates Examiner's indication of allowability of claim 18. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

Claims 1-3, 6, 7 and 19-33 stand rejected under 35 U.S.C. §102(b) as being anticipated by Day et al., U.S. Patent No. 3,697,289. Claims 4, 5, 8-17 and 34-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Day et al. in view of Hansen. While Applicant respectfully traverses these rejections, Applicant has amended each of independent claims 1, 11, 20, 24, 27 and 32-36 to more sharply define the claimed invention over the prior art of record and respectfully requests that the rejections be withdrawn.

In the Response to Arguments section of the Office Action, Examiner requested Applicant to clarify that the inlet of the filter passage is not only unconnected from the kettle, but also the kettle top, to distinguish over Day et al. Consequently, Applicant has amended each of independent claims 1, 11, 20, 24, 27 and 32-36 to recite a kettle assembly including a kettle and a kettle top, wherein the inlet of the filter passage (claims 1, 11, 34 and 35), passage inlet (claims 20 and 26), or inlet of the

filtration passage (claims 24, 27, 32 and 33) is in fluid communication with the kettle assembly, but unconnected from the kettle and the kettle top.

As previously argued by Applicant in the prior Amendment mailed on July 29, 2009, one of ordinary skill in the art would not be motivated to modify the popcorn popper of Day et al. to unconnect the condenser outlet (306) from the closed kettle (18) since this would destroy the intended purpose and function of the Day et al. popcorn popper to have a closed effluent path provided directly from the closed kettle (18) to the condensing system (308) through the condenser outlet (306). Consequently, Applicant respectfully submits that each of independent claims 1, 20, 24, 27, 32 and 33 recites a combination of elements or steps that are not fairly taught or suggested by Day et al. taken alone, or in combination with the other prior art of record, and the rejections of these claims should be withdrawn.

As also previously argued by Applicant, with respect to the rejections of independent claims 11 and 34-36 as being unpatentable over Day et al. in view of Hansen, Applicant respectfully submits that these rejections must fail in view of the deficiencies in the teaching of the primary Day et al. reference as set forth above. Moreover, even if first and second filters of Hansen were incorporated into the condensing system of Day et al. as sought in the rejections, the hypothetical combination would still fail to achieve Applicant's claimed invention as recited in each of these claims since the hypothetical combination would not obtain a popcorn popper having a filter passage inlet that is in fluid communication with, but unconnected from a

kettle and kettle top as now claimed. Accordingly, Applicant submits that the rejections of independent claims 11 and 34-36 are improper and should be withdrawn.

Moreover, as claims 2-10, 12-19, 21-23, 25, 26 and 28-31 depend from allowable independent claims 1, 11, 20, 24 and 27, respectively, and as each of these claims recites a combination of elements not fairly taught or suggested by the prior art of record, Applicant submits that these claims are allowable as well.

### **CONCLUSION**

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Please see the electronic fee calculation sheet for the charge in the amount of \$245 for the two months extension fee as required by 37 C.F.R. §1.17(a)(2). If any other fees are necessary, the Commissioner is hereby authorized to charge any underpayment or fees associated with this communication or credit any overpayment to Deposit Account No. 23-3000.

Application No. 10/560,540  
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Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

  
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David H. Brinkman, Reg. No. 40,532

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202-2917  
(513) 241-2324 – Voice  
(513) 241-6234 – Facsimile